

### **REMARKS/ARGUMENTS**

This Amendment is submitted in response to the Office Action dated December 28, 2005, and within the three-month period for response extending to March 28, 2006.

The current status of the claims is summarized below.

5           Claims 1-3, 5-9, 13, and 15-20 are amended.

          Claims 4, 10-12, and 14 are cancelled.

          Claims 1-3, 5-9, 13, and 15-20 are pending in the application after entry of the present Amendment.

10       **Rejections under 35 U.S.C. § 102**

          Claims 1-3, 9, and 13 were rejected under 35 U.S.C. 102(e) as being anticipated by Wollrath et al. ("Wollrath" hereafter) (U.S. Patent No. 6,487,607). These rejections are traversed.

          The Office has asserted that the term "test application" as recited in the pending  
15       claims is not precise. The Office suggests that many applications may qualify as "test" applications, depending on their use. The Office has asserted that page 15, lines 11-13, of the specification supports the position that the term "test application" is not precise. The Applicant respectfully submits that the claim term "test application" is in fact precise when appropriately considered in view of the specification. Additionally, the Applicant  
20       submits that the Office has misconstrued the description provided on page 15, lines 11-13, of the specification.

          In taking issue with the preciseness of the term "test application," the Office refers to the discussion regarding the "test system," provided on page 15, lines 11-13, of the specification. It should be appreciated and understood that the "test application" and the  
25       "test system" do not represent the same thing. The "test system" is described in the

specification as a computer system upon which a "test application" is executed. For example, the specification (page 12, lines 20-22) states that the distributed test framework system includes two types of computer systems: 1) a system server group, and 2) a test system group. Thus, the "test system" is a computer system. More specifically, the "test system" is a computer system having a hardware and software configuration configured to execute a test execution request dispatched by the system controller (page 15, lines 14-15).

The specification (page 15, lines 5-6) states that the "test system," i.e., computer system for executing the test execution request, can be a computer system used by employees of a company for normal desktop work, and does not have to be dedicated to only be used for executing the test execution request. It should be understood that the ability of the "test system" to also be used for non-testing activities is not relevant to what constitutes a "test application." The "test application" is executed on the "test system" when the "test system" is being tasked to perform testing activities.

The specification (page 14, lines 4-6) states that a test suite represents a list of data files having commands specifically programmed to initiate a number of functional aspects of a software product being tested. The specification (page 14, lines 10-11) also states that the test execution requests represent a test suite that has been submitted for processing. The specification (page 15, lines 14-15) further states that the "test systems" are configured to execute the test execution requests dispatched by the system controller. The test execution requests correspond to the "test applications." Thus, the "test application" represents a test suite that has been submitted for processing, wherein the test suite includes data files having commands specifically programmed to initiate a number of functional aspects of a software product being tested.

In view of the foregoing, the difference/relationship between the "test system" and the "test application" should be understood. However, in the interest of furthering prosecution of the present application, the claims have been amended to recite the term "test execution request" rather than "test application." The Applicants submit that the  
5 meaning of the term "test execution request" is clearly provided in the specification, as described above.

The Office has further asserted that the term "processing resource" as recited in the pending claims is not precise. In the interest of furthering prosecution of the present application, the Applicants have amended the claims to recite "test computer system"  
10 rather than "processing resource." The Applicants submit that the term "test computer system" is both precise and consistent with the disclosure of the specification.

The Office has asserted that even if the term "processing resource" were interpreted as a "microprocessor," the claims would be anticipated by Wollrath. Specifically, the Office asserts that it is possible to view Wollrath's client module as a  
15 component separate from rmiregistry. The Office also asserts that the client module of Wollrath can be assumed to supply the name of the processing resource to the rmiregistry. The Office further asserts that the processing resource would be unidentified to the client module, i.e., the IP address of the processing resource would be unidentified to the client module. The Applicants, however, cannot identify the above teachings in Wollrath.  
20 Specifically, the Applicants do not find a teaching in Wollrath that indicates that it is possible to view Wollrath's client module as a component separate from rmiregistry. Also, the Applicants do not identify a teaching in Wollrath regarding the IP address of the processing resource being unidentified to the client module.

The Applicants submit that the Office's assertions described above with regard to  
25 Wollrath's teachings represent interpretations of Wollrath's teachings based on hindsight

reasoning afforded by the disclosure of the present invention. Furthermore, the Office has not specifically cited where Wollrath provides the above described teachings. The Applicants respectfully submit that Wollrath does not provide the above-described teachings as asserted by the Office.

5           Wollrath discloses a remote object invocation method between a server and a client using a RMI protocol. The method taught by Wollrath requires a server RMI and a client RMI. The server RMI creates the remote objects on the server, makes references to those remote objects, and waits for the client to invoke methods on the remote objects through the interaction between the client RMI and the server RMI. It should be  
10   appreciated that Wollrath does not include any disclosure relating to a distributed test framework, test applications, or the launching of test applications within a distributed test framework.

          Claims 1-3, 9, and 13 have been amended to clarify that the claimed method and system are directed to launching remote test execution requests in a distributed test  
15   framework. Additionally, the first and second test applications previously recited in claims 1 and 9 have been clarified to be first and second test execution requests. Therefore, because Wollrath is silent with regard to test execution requests in a distributed test framework, Wollrath does not teach each and every feature of claims 1-3, 9, and 13, as required to support an anticipation rejection under 35 U.S.C. 102.

20           Additionally, with respect to claim 1, the launch request sent from the first test execution request is recited to define required attributes of an unidentified test computer system necessary to execute the second test execution request thereon. Claim 1 further recites operating the agent launcher to send a request to a system controller requesting identification of a test computer system having the required attributes necessary to  
25   execute the second test execution request. Claim 1 also recites operating the system

controller to identify the test computer system having the required attributes necessary to execute the second test execution request and launching the second test execution request on the identified test computer system.

Several features of claim 1 should be particularly appreciated when being contrasted with the teachings of Wollrath. For instance, the first test execution request sends the launch request that requests launching of the second test execution request. However, the launch request sent by the first test execution request does not specifically identify a test computer system that is to execute the second test execution request. Rather, the first test execution request includes required attributes of a then unknown test computer system necessary to successfully execute the second test execution request. Responsibility for identifying the particular test computer system that will execute the second test execution request is left to the system controller.

The first test execution request and the first agent process execute on a common test computer system within the distributed test framework. Therefore, communication of the launch request from the first test execution request to the agent launcher interface of the first agent process is not performed using RMI. Rather the communication of the launch request is enabled by the reference to the first agent process provided to the call interface of the first test execution request. The Office has incorrectly asserted that communication of the launch request from the first test execution request as presently claimed is analogous to making a call for invocation of a method of a remote object using RMI as taught by Wollrath. Because the launch request does not include a specific identification of the test computer system upon which the second test execution request is to be executed, the launch request does satisfy the requirements of RMI, and is therefore not analogous to an RMI communication.

More specifically, RMI uses a stub present on a client machine, wherein the stub includes a reference to a remote object on a known server machine and acts as a proxy for the remote object on the known server machine (Wollrath, column 4, lines 45-65). Thus, an RMI communication includes a specific identity of the server machine upon which the remote object resides. Moreover, the Office has admitted that RMI provides a mechanism for remote calls over the network, provided it has information on the destination of the call. In contrast to the RMI paradigm, claim 1 specifically recites that the launch request sent from the first test execution request includes required attributes of an unknown test computer system necessary to execute the second test execution request, but does not include a specific identity of the unknown test computer system. Identification of an available test computer system that can execute the second test execution request is the responsibility of the system controller, not the first test execution request. Thus, the Office's assertion that Wollrath teaches the present invention as currently claimed, is simply without basis.

Furthermore, it should be appreciated that the ability of a first test execution request to initiate a launch request for a second test execution request is enhanced by not requiring the first test execution request to know which particular remote test computer system will execute the second test execution request. Thus, the method of claim 1 avoids the huge complexity that would be associated with requiring each test execution request executing in a distributed test framework to have personal knowledge of all available remote test computer systems within the distributed test framework.

Claim 9 includes similar features as those discussed above with respect to claim 1. Therefore, the arguments presented above for claim 1 are equally applicable to claim 9.

As will be appreciated by the Office, 35 U.S.C. 102 requires that each and every feature of a claim be taught or suggested by a single reference for the claim to be

anticipated. For at least the reasons identified above, the Applicants request the Office to withdraw the rejections of claims 1-3, 9, and 13 under 35 U.S.C. 102.

**Rejections under 35 U.S.C. § 103**

5           Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath. These rejections are traversed.

Because claim 5 ultimately depends from claim 1, claim 5 incorporates all the features of claim 1 and is patentable for at least the same reasons provided above for claim 1. Therefore, the Office is requested to withdraw the rejection of claim 5.

10           Claims 6-8 and 15-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath in view of Jaworski ("Developer's Guide: Java 1.1") and "Process Manager 6.0 Programmer's Guide" ("SUN" hereafter). These rejections are traversed.

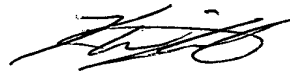
Because claims 6-8 ultimately depend from claim 1, claims 6-8 incorporate all the features of claim 1 and are patentable for at least the same reasons provided above for claim 1. Therefore, the Office is requested to withdraw the rejections of claims 6-8.

Because claims 15-16 ultimately depend from claim 9, claims 15-16 incorporate all the features of claim 9 and are patentable for at least the same reasons provided above for claim 9. Therefore, the Office is requested to withdraw the rejections of claims 15-16.

With respect to claim 17-18, the Office has indicated that the same bases of rejection as applied to claims 1-3 and 5-8 are also applied to similar features recited in claims 17-18. Therefore, the Applicant submits that claims 17-18 are patentable for at least the same reason provided above for claims 1-3 and 5-8. Additionally because claims 19-20 ultimately depend from claim 17, claims 19-20 are patentable for at least the same reasons stated from claim 17. Therefore, the Office is requested to withdraw the rejections of claims 17-20.

In view of the foregoing, the Applicants request that the Office withdraw the rejections of claims 1-3, 5-9, 13, and 15-20. The Applicants submit that all of the pending claims are in condition for allowance. Therefore, a Notice of Allowance is requested. If the Examiner has any questions concerning the present Amendment, the Examiner is requested to contact the undersigned at (408) 774-6914. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP030). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP



Kenneth D. Wright  
Reg. No. 53,795

Martine Penilla & Gencarella, LLP  
710 Lakeway Drive, Suite 200  
Sunnyvale, California 94086  
Tel: (408) 749-6900  
**Customer Number 32,291**